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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JAMES S. KALFSBEEK,  
  
Defendant.

CASE NO. 2:05-CR-0128 MCE-AC-1

STIPULATION AND [~~PROPOSED~~] ORDER

DATE: March 2, 2015  
TIME: 9:00 a.m.  
COURT: Hon. Allison Claire

**STIPULATION**

1. By previous order, this matter was set for an evidentiary hearing on March 2, 2015, pursuant to a motion under 28 U.S.C. § 2255 by James Kalfsbeek based on an ineffective assistance of counsel claim. [See Dkt. # 490.]

2. On February 3, 2015, counsel for the United States confirmed for trial in *United States v. Rachel Siders*, Case No. 2:12-cr-226 JAM, set to start on February 23, 2015. The trial is expected to last approximately 5-6 court days. Based on the Court's calendar, the trial will conflict with the evidentiary hearing set in this case for March 2, 2015. Accordingly, the United States respectfully requests that the evidentiary hearing in this case be continued one week to March 9, 2015.

3. Counsel for the United States has conferred with Mr. Kalfsbeek's trial counsel, Scott Tedmon, a witness at the evidentiary hearing. Mr. Tedmon is available on March 9, 2015.

4. Counsel for Mr. Kalfsbeek does not oppose an evidentiary hearing date of March 9, 2015.

5. Accordingly, by this stipulation, the parties now move to continue the evidentiary hearing

1 date in this matter to March 9, 2015.

2  
3 Dated: February 5, 2015

BENJAMIN B. WAGNER  
United States Attorney

4  
5 By: /s/ CHRISTIAAN H.  
6 HIGHSMITH  
7 CHRISTIAAN H. HIGHSMITH  
8 Assistant United States Attorney

9 Dated: February 5, 2015

10 By: /s/ CHRISTIAAN H.  
11 HIGHSMITH  
12 Signed with permission of  
13 Timothy E. Warriner  
14 Counsel for Defendant

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17  
18 **[PROPOSED] FINDINGS AND ORDER**

19 Based on the stipulation of the parties, it is hereby ORDERED that the evidentiary hearing  
20 previously scheduled for March 2, 2015, shall be continued to March 9, 2015, at 9:00 a.m.

21 IT IS SO FOUND AND ORDERED this 5th day of February, 2015.

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24 HON. ALLISON CLAIRE  
25 U.S. MAGISTRATE JUDGE  
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